

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

LOUIS FASULLO, )  
vs. )  
Plaintiff, )  
ILLINOIS DEPARTMENT OF ) CIVIL NO. 09-cv-222-JPG  
CORRECTIONS, )  
Defendant. )

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

This matter is before the Court *sua sponte*. On October 28, 2009, the Court denied Plaintiff's motion to proceed *in forma pauperis* finding that Plaintiff had accrued "3 strikes" prior to commencing this action under 28 U.S.C. § 1915(g) and was not in imminent danger of serious physical injury. *See* (Doc. 5). Plaintiff was given 15 days within which to pay the full filing fee. *Id.* More than 15 days have passed and the Court still has not received Plaintiff's filing fee. Accordingly, this case is **DISMISSED**, with prejudice, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. See *Ladien v. Astrachan*, 128 F.3d 1051 (7<sup>th</sup> Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7<sup>th</sup> Cir. 1994).

**IT IS SO ORDERED.**

**Dated: 12/11/2009**

s/ J. Phil Gilbert  
U. S. District Judge